

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA
MOBILITY LLC, and GENERAL
INSTRUMENT CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

DECLARATION OF ANDREA
PALLIOS ROBERTS IN SUPPORT OF
MOTOROLA'S MOTION FOR
SUMMARY JUDGMENT

**NOTED ON MOTION CALENDAR:
Wednesday, July 31, 2013 at 10:00 a.m.**

I, Andrea Pallios Roberts, declare as follows:

1. I am an attorney at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
counsel of record for Defendants in this matter. I have personal knowledge of the facts stated
herein and if called to testify could and would competently testify thereto.

2. Attached as Exhibit A is a true and correct copy of cited excerpts of the transcript
of the May 28, 2013 deposition of Horacio E. Gutierrez.

3. Attached as Exhibit B is a true and correct copy of the Complaint filed by
Microsoft Corp. with the International Trade Commission on October 1, 2010.

DECLARATION OF ANDREA PALLIOS ROBERTS IN
SUPPORT OF MOTOROLA'S MOTION FOR SUMMARY
JUDGMENT - 1
CASE NO. C10-1823-JLR

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1 4. Attached as Exhibit C is a true and correct copy of the Complaint, without exhibits,
2 filed by Microsoft Corp. with the Western District of Washington on October 1, 2010.

3 5. Attached as Exhibit D is a true and correct copy of Trial Exhibit 1, Letter from
4 Daily to Gutierrez re 802.1 Patent License sent on October 21, 2010, admissibility of which was
5 stipulated to by the parties in Dkt. No. 550.

6 6. Attached as Exhibit E is a true and correct copy of Trial Exhibit 2, Letter from
7 Dailey to Gutierrez re H.264 Patents sent on October 29, 2010, admissibility of which was
8 stipulated to by the parties in Dkt. No. 550.

9 7. Attached as Exhibit F is a true and correct copy of cited excerpts of the transcript of
10 the April 4, 2012 deposition of Horacio E. Gutierrez.

11 8. Attached as Exhibit G is a true and correct copy of Trial Exhibit 15, Email from
12 Ochs to Kowalski re Motorola legal Contact sent on July 21, 2011, the authenticity of which was
13 stipulated to by the parties in Dkt. No. 550.

14 9. Attached as Exhibit H is a true and correct copy of Trial Exhibit 1613, Email from
15 Ochs to Kowalski re Licensing discussions sent on December 16, 2011, the authenticity of which
16 was stipulated to by the parties in Dkt. No. 550.

17 10. Attached as Exhibit I is a true and correct copy of MOTM_WASH1823_0620518,
18 which was produced by Motorola in this litigation.

19 11. Attached as Exhibit J is a true and correct copy of cited excerpts of the transcript of
20 the November 20, 2012 trial testimony of Kirk Dailey.

21 12. Attached as Exhibit K is a true and correct copy of cited excerpts of the transcript
22 of the April 4, 2012 deposition of Timothy M. Kowalski.

23 13. Attached as Exhibit L is a true and correct copy of cited excerpts of the transcript of
24 the November 14, 2012 trial testimony of Jennifer Ochs.

1 14. Attached as Exhibit M is a true and correct copy of Trial Exhibit 103, AVC Patent
2 Portfolio License between MPEG LA and Google (executed version) (with AVC Attachment 1)
3 dated January 24, 2005, authenticity of which was stipulated to by the parties in Dkt. 550.

4 15. Attached as Exhibit N is a true and correct copy of cited excerpts of the transcript
5 of the November 16, 2012 trial testimony of Matthew Lynde.

6 16. Attached as Exhibit O is a true and correct copy of Microsoft's Supplemental
7 Interrogatory Responses served April 3, 2013.

8 17. Attached as Exhibit P is a true and correct copy of cited excerpts of the March 14,
9 2013 hearing transcript.

10 18. Attached as Exhibit Q is a true and correct copy of Trial Exhibit 2839, Motorola
11 Letters of Assurance for Essential Patents to the IEEE, the admissibility of which was stipulated to
12 by the parties in Dkt. No. 550.

13 19. Attached as Exhibit R is a true and correct copy of Trial Exhibit 5, IEEE-SA
14 Standards Board Bylaws dated December 2009, the admissibility of which was stipulated to by the
15 parties in Dkt. No. 550.

16 20. Attached as Exhibit S is a true and correct copy of Trial Exhibit 2838, Motorola
17 Patent Statements and Licensing Declarations for ITU-T/ITU-R Recommendation, the
18 admissibility of which was stipulated to by the parties in Dkt. No. 550.

19 21. Attached as Exhibit T is a true and correct copy of Trial Exhibit 115, Guidelines for
20 Implementation of the Common Patent Policy for ITU-T/ITU/ISO/IEC, dated 2009, the
21 admissibility of which was stipulated to by the parties in Dkt. No. 550.

22 22. Attached as Exhibit U is a true and correct copy of the Notice of the Commission's
23 Final Determination Finding a Violation of Section 337; Issuances of a Limited Exclusion Order
24 and a Cease and Desist Order; Termination of the Investigation issued by the U.S. International
25 Trade Commission in Inv. No. 337-TA-794, dated June 4, 2013, *available at*
26 <http://edis.oes.ca.gov>, and Ian Sherr & Jessica E. Lessin, *Ruling Blocks iPhone Sales*, WALL ST. J.,

June 4, 2013, <http://online.wsj.com/article/SB10001424127887323469804578525723885896616.html>

23. Attached as Exhibit V is a true and correct copy of the U.S. Dept. of Justice and U.S. Patent & Trademark Office, *Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments*, dated January 8, 2013, available at www.justice.gov/atr/public/guidelines/290994.pdf

24. Attached as Exhibit W is a true and correct copy of Trial Exhibit 2970, Microsoft Letter to Federal Trade Commission (FTC) re Patent Standards Workshop, Project No. P11-1204, dated June 14, 2011, the admissibility of which was stipulated to by the parties in Dkt. No. 550.

25. Attached as Exhibit X is a true and correct copy of cited excerpts of the transcript of the March 28, 2012 deposition of David A. Heiner.

26. Attached as Exhibit Y is a true and correct copy of cited excerpts of the transcript of the April 10, 2012 deposition of Amy A. Marasco.

27. Attached as Exhibit Z is a true and correct copy of cited excerpts of the transcript of the June 20, 2013 deposition of Todd D. Menenberg.

28. Attached as Exhibit AA is a true and correct copy of cited excerpts of the transcript of the June 5, 2013 deposition of David Killough.

29. Attached as Exhibit BB is a true and correct copy of cited excerpts of the May 7, 2013 hearing transcript.

30. Attached as Exhibit CC is a true and correct copy of cited excerpts of the January 28, 2013 hearing transcript.

31. Attached as Exhibit DD is a true and correct copy of cited excerpts of the transcript of the May 9, 2013 deposition of James J. Davidson.

32. Attached as Exhibit EE is a true and correct copy of cited excerpts of the expert report submitted on behalf of Microsoft by Todd Menenberg, dated May 29, 2013.

1 33. Attached as Exhibit FF is a true and correct copy of a certified translation of the
2 Judgment of the Regional Court of Mannheim [Germany] pronounced on May 2, 2012.

3 34. Attached as Exhibit GG is a true and correct copy of excerpts from the Initial
4 Determination by Administrative Law Judge David P. Shaw in Inv. 337-TA-752, dated April 23,
5 2013.

6 I declare under penalty of perjury under the laws of the United States and the State of
7 Washington that the foregoing is true and correct.

8 EXECUTED this 3rd day of July, 2013 at Redwood Shores, California.

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Andrea Pallios Roberts

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 3rd day of July, 2013.

/s/ Marcia A. Ripley

Marcia A. Ripley